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OFFICE OF PETITIONS

In re Application of	:
Dan E. Robertson et al	:
Application No. 09/903,410	: DECISION ON PETITION
Filed: July 10, 2001	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 564462000820	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed March 24, 2006, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to the prior-filed PCT application set forth in the amendment filed concurrently with the instant petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application(s), unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1) above.

The benefit claim for priority to International Application No. PCT/US97/02039, filed February 11, 1997, is improper since the PCT application do not have continuity with the above application.

Further correspondence with respect to this matter should be addressed as follows:


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Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.


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